



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

DGR:BDM/TRP  
F. #2016R00467

*271 Cadman Plaza East  
Brooklyn, New York 11201*

October 13, 2023

Via ECF

The Honorable Margo K. Brodie  
Chief United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: In Re Forfeiture Order of Tim Leissner  
Miscellaneous Docket No. 23-1505 (MKB)

Dear Chief Judge Brodie:

In advance of the status conference scheduled for October 17, 2023, the government respectfully writes to provide a status report regarding the above-captioned criminal forfeiture ancillary proceeding. As the Court is aware, to date, four claimants have filed petitions in this ancillary proceeding involving 3,325,942 shares of stock in Celsius Holdings, Inc. (the "Celsius Shares"). See ECF Dkt. Nos. 3-5, 8.

With respect to claimants Kimora Lee Simmons and Ken Siazon, the parties jointly request an additional period of 60 days to allow them to continue settlement discussions in an effort to resolve their respective claims without the need for Court intervention.

With respect to claimant Russell Simmons, individually and derivatively on behalf of Nu Horizons, the government and counsel for Simmons have conferred, but have not yet reached agreement on the proper conduct of this ancillary proceeding. In particular, the government desires to proceed with the filing of an anticipated motion to dismiss pursuant to Federal Rules of Criminal Procedure Rule 32.2(c)(1)(A), while Simmons has indicated to the government that he believes the proper course is for the parties to proceed with discovery under Rule 32.2(c)(1)(B), followed by the filing of any dispositive motions at the conclusion of discovery. The government will be prepared to address these issues at next week's status conference.

Finally, with respect to claimant Ng Chong Hwa, the government has attempted to contact but has been unable to reach his counsel of record as of the filing of this letter, but plans to follow up again in advance of next week's status conference.

Thank you for Your Honor's consideration of this submission.

Respectfully submitted,

BREON PEACE  
United States Attorney

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cc: All Counsel of Record (by ECF)